

# PPM 110

## NONDISCRIMINATION & INDIVIDUAL RIGHTS

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### **110.01 NONDISCRIMINATION POLICY**

(1) The solicitation and acceptance of referrals and applications, the rendering of eligibility and ineligibility determinations, and the provision of vocational rehabilitation services are conducted without regard to the age, gender, race, color, creed, or national origin of the individual.

(2) No upper or lower age limit will be imposed which, in and of itself, would result in a finding of ineligibility for any individual who is otherwise eligible for vocational rehabilitation services.

*[REQUIRED PRACTICE. Age is not a disqualifying factor in and of itself; however, vocational rehabilitation services are provided expressly for purposes of employment and an individual may be determined to be ineligible for vocational rehabilitation services if age precludes his or her ability to work. For example, an individual who is a minor and would not be able to secure a valid work permit upon completion of vocational rehabilitation services would not be eligible for program participation. The basis for the ineligibility determination in such an instance, however, would not be the individual's age, per se, but the fact that he or she fails to meet the fourth requirement*

*for eligibility inasmuch as the benefit to be derived from any vocational rehabilitation services could not result in the individual's placement into or retention of an employment outcome.]*

(3) No applicant or group of applicants will be excluded from or found to be either eligible or ineligible for vocational rehabilitation services based solely on type of disability.

## **110.02 RESIDENCY**

No duration of residency requirement will be imposed that excludes from vocational rehabilitation services any individual who is present in the state.

*[REQUIRED PRACTICE. An individual will be considered to be present in the state for purposes of this section if the individual: (1) is physically present in Indiana; and (2) has some acknowledged connection with the state (such as property ownership on which property taxes are paid, in-state work earnings on which state income taxes are paid, eligibility for voter registration in the state, eligibility for state student financial aid and/or in-state student status granted by a state-supported postsecondary training institution) which is other than merely the receipt of goods or services from Indiana-based service providers. Referrals and applications will not be accepted which are received from individuals who are not physically present in the state or are individuals who have no demonstrable connection with the state, or whose sole connection is the receipt of goods or services from Indiana service providers. The Vocational Rehabilitation Counselor has authority under this provision to require appropriate documentation to establish the applicable qualifications.]*

## **110.03 STATEWIDENESS**

As appropriate to the disability and vocational needs of each individual, all services provided by the Vocational Rehabilitation Program are made available on a statewide basis, and each applicant and eligible individual has the right of equal access to all Vocational Rehabilitation Program services provided, regardless of geographic location in the state.

## **110.04 INFORMED CHOICE**

Every applicant and eligible individual (or, as applicable, the individual's representative) has a right to be a full and active partner in his or her own Vocational Rehabilitation Program, and must be afforded opportunities, on an ongoing basis throughout the rehabilitation process and to the fullest

extent consistent with program policy, to make meaningful and informed choices as to the selection of:

- (1) his or her employment outcome, including the employment setting;
- (2) the specific services needed to achieve the employment outcome and to be provided;
- (3) the service providers from whom such services will be secured and the settings in which they will be provided; and
- (4) the methods used to secure such services.

*[REQUIRED PRACTICE. The Area Office to which an applicant is initially assigned and the Vocational Rehabilitation Counselor initially assigned to each individual will be determined in accordance with the administrative practices of the Vocational Rehabilitation Program. Any change of Area Office or Vocational Rehabilitation Counselor assignment requires the prior approval of the Area Supervisor or Supervisors.]*

## **110.05 INTEGRATED SETTINGS**

Vocational rehabilitation services and job placements will be provided in integrated settings which offer meaningful opportunities for individual integration, inclusion, and full participation, consistent with the informed choice of each individual and the availability of services.

## **110.06 PRESUMPTION OF ABILITY TO BENEFIT**

All applicants and eligible individuals, including individuals with the most significant disabilities, are presumed to be capable of engaging in gainful employment if the appropriate supports are provided. Vocational rehabilitation services will be provided on an individualized basis, consistent with the vocational rehabilitation needs of each individual, to enhance the opportunities of each program participant to achieve an appropriate employment outcome unless the Vocational Rehabilitation Program can demonstrate by clear and convincing evidence that an applicant or eligible individual is so significantly impaired as to preclude the achievement of an employment outcome.

**110.07 APPROPRIATE MODES OF COMMUNICATION**

Each applicant and eligible individual has the right to receive information and services from the Vocational Rehabilitation Program in the language, alternative format, or appropriate mode of communication of his or her informed choice. To the maximum extent possible, the Vocational Rehabilitation Program will utilize disability-accessible formats, including modes of communication appropriate to each individual and the individual's representative, in the provision of all information and services. Each individual and his or her representative will be informed regarding the availability of materials in alternative formats and appropriate modes of communication consistent with his or her informed choice.

**110.08 FAMILY AND COMMUNITY-BASED SUPPORTS**

Each applicant and eligible individual has the right for family members and community-based supports to be involved in his or her vocational rehabilitation program to the extent of his or her informed choice, if the individual requests, desires, or needs such supports.

**110.09 CONFIDENTIALITY AND DISCLOSURE**

The Vocational Rehabilitation Program will protect the privacy of all applicants and eligible program participants and will safeguard the confidentiality of all personal information obtained or developed concerning every individual. Confidential information concerning any applicant or program participant, or their family members and other representatives, will be disclosed only to the extent that disclosure of the information is necessary in connection with the individual's vocational rehabilitation program, is required by law, or is requested by the individual or the individual's representative by prior informed written consent and in accordance with program requirements concerning confidentiality and disclosure, as described in PPM chapter 300.

**110.10 CLIENT ASSISTANCE PROGRAM (CAP)**

Every applicant and eligible individual must be informed regarding the Client Assistance Program (CAP), the services available through the CAP, and the means by which the CAP can be contacted for assistance, as described in PPM chapter 310.

**110.11      MEDIATION AND APPEAL PROVISIONS**

Any applicant or eligible individual who is dissatisfied with any determination made or action taken by the Vocational Rehabilitation Counselor or any other individual employed by the Vocational Rehabilitation Program that affects the provision of vocational rehabilitation services may request (or, if appropriate, may request through his or her representative) a timely review of that determination or action through the mediation and appeal procedures provided for under the review process described in PPM chapter 320.

**110.12      CONSULTATION IN DECISIONS AFFECTING SERVICE PROVISION**

All determinations regarding an individual's eligibility for program participation; the nature, scope, and duration of services provided; service provision; closure of an individual's record of services; and the expenditure of program funds will be made by a qualified Vocational Rehabilitation Counselor or by another qualified professional employed by the Vocational Rehabilitation Program in consultation with the individual and, if applicable, the individual's representative.

[AUTHORITY: Federal regulations 34 CFR §§361.1; 361.5(b)(23), (32), (33); 361.13(c); 361.25; 361.38; 361.39; 361.42(c); 361.43(b) and (c); 361.45(b)(2) and (c)(2)(iii) and (iv); 361.46(a); 361.48; 361.50; 361.52.; 361.57]

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